

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2005

**SENATE JOURNAL
59TH LEGISLATURE
FIRST LEGISLATIVE DAY**

Helena, Montana
January 3, 2005

Senate Chambers
State Capitol

At twelve o'clock noon the Senate of the 59th Legislature of the State of Montana was called to order with Senator Vicki Cocchiarella, co-dean of the Senate, presiding.

Senator Cocchiarella introduced Senator Bob Keenan as the co-dean of the Senate and stated that he would share the podium with her today.

Senator Keenan thanked her for the introduction and made the following remarks:

"Thank you, Madam Co-dean:

I appreciate the opportunity to speak today, as President of the Senate (if only for a few more minutes anyway), at the opening of the 59th session of the Montana Legislature and the Montana State Senate.

Before I get into my remarks, let's first have a show of hands of how many Senators are new to this body today?

Now, let's have a show of hands of how many were new to the Senate in 2003?

And now, how many were in the Senate in 2001?

I guess I don't need to go back any farther to make the point that this is a relatively new group of Senators, considering that before term limits there were members who served for more than 20 years, and they were friends, and they worked together on behalf of the people we all serve.

As those of you who have been here before know, I seldom speak from a prepared text, but since I have had a little more time to think about this day, and my new role, I thought I'd commit my thoughts to papers, and go from there.

I am going to talk for just a few minutes about the importance of working together - COOPERATIVELY - this winter.

We have heard and read an awful lot about bipartisanship over the past year or two.

I think the word - bipartisanship - was used so much during this past campaign that it has lost much of its value, so I'd like to suggest we use another increasingly used word these days, COOPERATION, and focus on what we can do together.

I think it's important to remember that we were elected as Republicans and Democrats, and that both parties have their own basic philosophies.

I don't raise this to be partisan; rather, I raise it because of all the rhetoric about bipartisanship, when in fact, we are Senators representing two parties with different values and differing philosophies. As in our caucus, we differ often, yet we respect each other's frame of reference and pull together for the common good.

Just because we have differing opinions and views on many things, however, shouldn't by any means be interpreted to suggest that I am advocating we disagree for the sake of disagreeing. I am simply stating a fact, that when we differ on basic fundamental issues, we should each speak out and represent the people who sent us here.

And when we agree, we should also speak out and let people know that we are in agreement. I simply don't want to hear it said all winter long, when one side of the aisle or the other has a disagreement with the other side on a fundamental issue, that we or you are being partisan. That's not the case at all.

We should COOPERATE, whenever and wherever possible. In fact, we should look for the common ground for the common good, but we should not and will not discard our fundamental beliefs.

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Senator Tester, we will respectfully look to you to lead this entire body, just as I tried to do when I had the honor last session of serving as Senate President.

And, we will respectfully look to you, Senator Ellingson, to lead your caucus.

I would ask that we all be respectful - at all times - of one another and one another's opinions and beliefs.

Frankly, it may be hard, on occasion, because we do hold some pretty strong beliefs that are not always the same, but to not show each other respect would only diminish this body and the honor of serving in this chamber and representing the people who elected us.

When it comes time for me to speak as Minority Leader, I'm going to talk briefly about a few issues we will deal with this winter--the budget, school funding, and revenues.

As those of us who have been here before know, every session seems to have its own weighty issues to deal with, and this one is no different.

As we conduct our business this winter, we will cooperate, whenever and wherever possible, to find the common ground for the common good, but we are not going to abandon our basic beliefs. I know everyone here will appreciate and understand that.

Thank you again for this opportunity to address this chamber today as Co-dean of the Montana Senate.

Madam Co-dean and President-elect Tester and Members of the Montana Senate, thank you."

Senator Cocchiarella then addressed the Senate saying:

"My name is Vicki Marshall Cocchiarella. I am honored and humbled to have been sent here by my constituents to serve them.

My grandparents Fanny and William Officer came by covered wagon from Tennessee to homestead on the Shields River near current Big Timber. They came with hopes and dreams of a better life for themselves and their family - to this wonderful place.

They faced insurmountable obstacles but overcame them and I assume they would say it was worth it. Two of their great great grandchildren - Cara Cocchiarella is a Spanish teacher and coach and Mike Cocchiarella is soon to be flying the sky as a commercial pilot - are living proof that their hope is still alive and they would be proud.

It is no different now for whatever reason people live in this beautiful and wonderful state. They have the same hopes and dreams of my ancestors three generations ago.

Our constituents sent us here to guarantee they have a chance to achieve their hopes and dreams. No political party ever sent us here, no special interest, no government agency. We were sent here by the voters - the constituents of our districts. They are our partners and must always be first in our thoughts and actions.

They have hopes and dreams like the constituents of Senator Bob Story - Martin and Kathy whose daughter Megan is a senior in high school - and depend on agriculture to achieve their dreams. Martin is a sales representative for a feed company.

And Senator Black's constituent Toni who is a special education teacher in Cut Bank. Toni works tirelessly to help those kids and their families who have some of the biggest challenges to achieving the same hopes and dreams.

Senator Lind represents Jason who cannot speak, but types his words on a machine he hangs around his neck. He lives independently and is on his way to being all he can be with his dreams coming true.

My constituents Mike and Margaret, who have a family business in Missoula, employ two of their three children, as well as several other employees.

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Senator Gillan who represents Lance, a union electrician, who is proud of the work he does for his corporate employer. His dreams come from doing the best he can.

Like my great grandparents, who had hopes and dreams, our constituents expect us to work for their hopes and dreams.

There are no insurmountable obstacles for us when we work together for our people. They sent us here and we thank them and we pledge to work for them."

Senator Cocchiarella appointed Fr. Jerry Lowney as temporary Chaplain and Ted Dick as temporary Sergeant-at-Arms of the Senate.

The colors were posted by members of the Montana National Guard, followed by the Pledge of Allegiance to the Flag.

Invocation was given by Fr. Jerry Lowney.

Senator Cocchiarella appointed Bill Lombardi as temporary Secretary of the Senate.

At the direction of Senator Cocchiarella, the temporary Secretary called the roll of the newly elected Senators by district. The following Senators responded thereto:

District No. 2, Dan Weinberg; District No. 6, John Brueggeman; District No. 16, Frank Smith; District No. 19, Donald Steinbeisser; District No. 22, Lane Larson; District No. 24, Kim Gillan; District No. 26, Lynda Moss; District No. 27, Corey Stapleton; District No. 28, Jeff Essman; District No. 33, Bob Hawks; District No. 34, Joe Balyeat; District No. 37, Steve Gallus; District No. 42, Dave Lewis; District No. 43, Jesse Laslovich; District No. 45, Jim Shockley; District No. 46, Carol Williams; District No. 50, Greg Lind.

The Honorable Justice Patricia Cotter was admitted to the Senate Chamber and administered the following official oath of office to the Senators-elect, who subscribed to the same:

"I do solemnly swear that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office as a Montana State Senator with Fidelity, so help me God."

Justice Patricia Cotter was escorted from the Senate Chambers.

At the direction of Senator Keenan, the temporary Secretary called the complete roll of the Senate. The following Senators responded thereto:

Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essman, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenburg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Tester, Toole, Tropila, Weinberg, Wheat, Williams.

Fifty members being present, Senator Keenan announced that the 59th Legislature was duly organized and ready for business.

MOTIONS

Senator Ellingson moved that the Joint rules of the 58th Legislature be adopted as the temporary operating rules of the 59th Legislature. Motion carried unanimously.

Senator Ellingson moved that the Senate rules of the 58th Legislature be adopted as the temporary operating rules of the 59th Legislature. Motion carried unanimously.

Senator Ellingson moved that the accredited members of the press, radio, and television be granted the privilege of the Senate floor, subject to the rules. Motion carried unanimously.

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Senator Ellingson moved that Senator Jon Tester of District 15 be nominated for the office of President of the Senate of the 59th Legislature and further moved that his election carry with it the name of Senator Dan Harrington of District 38 for the office of President Pro Tempore.

Senator Story moved that the President be elected by acclamation.

Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essman, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Tester was elected President of the Senate.

Senator Cocchiarella announced the election of Senator Tester as President and Senator Harrington as President Pro Tempore.

Senator Tester assumed the Chair and made his opening remarks as follows:

"Ladies and Gentlemen, family members, distinguished guests, fellow Senators. Welcome to the opening day of the 59th session of the Montana Senate.

I am humbled to come before you today as the President of the Montana Senate. And with that honor I take the challenges and opportunities that come with this job very seriously.

To begin, please let me take a moment to introduce members of my family supporting me today: my wife, Sharla Tester; my daughter and son-in-law, James and Christine Schultz, and granddaughter Killikina; my son Shon Tester. My mother, Helen Tester. My mother and father-in-law, Ron & Betty Bitz. And my cousins, Allan and Shirley Pearson.

Welcome to the Montana Senate.

My mother's parents came to this state when there was nothing but grass on the landscape. They built a farm and raised a family. But they needed help. They would not have been able to harvest a crop or build one building if they hadn't worked together with their neighbors. By Working Together they were able to get things done.

Some of us have traveled great distances to be here today. Although we have come from different towns and cities all across this great state, we come together today for one purpose because we care.

With hope and determination, we care about our children and the kind of education they will receive. We care about our relatives who are struggling without health insurance. We want our nieces and nephews to have the best jobs so that they can provide for their families. We want our neighbors to have the same opportunities, whether their name is Bob Keenan, Gerald Pease, or Lynda Moss.

What we want is simple: We want to do what is right for Montana. But first, we must do right by each other.

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That is why I ask you today, tomorrow and the next, to respect each other, to listen to each other, to Work Together. But most importantly to keep the lines of communication open.

At home, we are well aware of the problems with affordable healthcare, and the increasing numbers of uninsured Montanans. We know we have to address the courts' directive to ensure we provide all of our children with a quality public education. And we understand the need for everyone, whether they come from Havre, or Browning or Helena, to be able to work, live, recreate and retire in our great state.

At home, we know these issues well. But here today the challenge is to understand what issues our fellow Senators also bring to the table. Although they may sit across the aisle from you, I ask you to listen, respect, and keep the lines of communication open with your fellow Montanan. You may be surprised to learn that many times, they care about the same issues as you, and are troubled by the same problems.

When we keep those lines of communication open, only then can we work together to make the difference that we all want.

Let us never forget our determination to keep this place special for the next generation, so that our children, and our children's children can live and raise their families in Montana as we have.

A top priority this session will be making sure that our children receive the best public education possible by funding education. We must define "quality" for public education, and establish a system that educates our children at a level that empowers them to compete not only in Montana's economy, but also in today's global economy.

We must support our Colleges of Technologies, our Universities, and our Tribal Colleges if we are going to offer our most valuable resource, our children, the opportunity to make a living in Montana. Our children deserve nothing less. We can do this if we work together.

The high cost of healthcare affects all Montanans. It directly affects the high percentage of Montanans that have no health insurance. It indirectly affects others who must absorb the impact of the uninsured in the form of higher medical costs.

The Children's Health Insurance Program needs to be expanded to include the growing number of uninsured children.

We need to pass a prescription drug program that helps our elderly and disabled to afford prescription drugs. It is time for them to stop choosing between paying for their prescriptions and putting food on their table.

We need to get the ball rolling on tax credits for the small businesses on Main Street that offer health insurance benefits to their employees.

We can do all these things and more when we work together.

While the economy is doing well in many areas of Montana, it is not the case everywhere. There has been a major decline in population in the eastern two-thirds of Montana. The unemployment rates plaguing our sovereign Indian nations are unacceptable.

Montana offers us many opportunities, and we are blessed with resourceful people. Let's start with small businesses, the backbone of Montana's economy. To grow Montana's economy, we must create and maintain a small-business friendly climate. We also have valuable renewable resources like wind power, ethanol, and bio-diesel. If we work together we can create much-needed energy and employ Montanans in the process.

We need to support our existing packing plants. Also, by encouraging more packers, we can feed and process our cattle, hogs, and sheep in this state. This will keep the middleman in Montana, employing Montanans in Montana.

Finally, we need to be fiscally responsible. We must live within our means, and use the same values here in the Legislature as Montanans use at their kitchen tables. We'll watch out for working people's pocketbooks.

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The priorities of a balanced budget, **good-paying jobs** and a growing economy for Montanans, **affordable accessible healthcare**, and a high-quality **K-12 and higher education system** are important to all of us. They represent a value system that, coupled with long-term planning, will give our next generation the tools they need to succeed.

The challenges are many in this 59th Legislature. But just as my grandparents Fred and Christine Pearson did in the early 1900s, **Working Together** with their neighbors, benefitting from one another, we can also do here over the next four months.

And in the end we will be proud of our part in this session that we tackled Montana's problems, **working together**, using visionary ideas and common-sense solutions helping the people of Montana.

There is much to be done. And we **Can Do It**.

Thank you for your time. Thank you for your determination and your hope. **Working Together** we *will* make the difference because we care.

God bless the people and the place of the great state of Montana."

President Tester introduced Senator Harrington as the newly elected President Pro Tempore, Senator Keenan, Minority Leader, and Senator Ellingson, Majority Leader of the Montana Senate. Each Senator acknowledged their introduction with a short speech.

President Pro Tempore Harrington thanked the body and then proceeded to speak about his family immigrating to Montana from Ireland. He stated that his parents were miners in Butte and found a wealth of opportunities in Montana for general betterment of their lives. He closed by saying that he hoped that this Legislature would be able to continue to provide opportunities to Montanans.

Minority Leader Keenan read the following remarks on behalf of Governor Judy Martz:

"I remember four years ago, when I was standing here to take the oath for this office. It was an awesome feeling.

This is an awesome feeling as well, knowing that in a few minutes I will relinquish the office.

I want to thank all of the people who stood with me over the past four years and before that, when I served as Lieutenant Governor.

As your next governor is learning, this job carries with it a tremendous responsibility, a responsibility to serve the people of Montana to the best of one's ability.

I am leaving the office with a deep sense of personal satisfaction, and a deep sense of pride that I was always truthful, and that I responded honestly to questions from legislators, reporters, friends and critics alike, and did what I told the people I would do.

Governor, we have left you and the 2005 legislature with money in the bank and a growing economy. I wish you and our lawmakers well in your work this winter.

After being in Helena for the past eight years, I am now excited to return home to be with my family.

Thank you for your friendship and support and for giving me the opportunity to serve as Montana's 22nd Governor.

God bless you all and best wishes to each of you who is being sworn in today and to all Montanans for the New Year."

Minority Leader Keenan made the following remarks:

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"This morning, at the swearing-in ceremony, because of tight scheduling, Governor Martz did not get an opportunity to make remarks. She was graciously acknowledged, but I think it is fitting that I read her remarks as I believe that we all can relate to the tough job she has had for the past four years.

We should be darn proud of the fact that Montana's economy has turned around and that because of the work we did, and the difficult decisions we made, here in 2001 and 2003 and in the special session in 2001, that there is a budget surplus.

As you can imagine, I have been very pleased to read and to hear Senate President Tester and Governor Schweitzer say they are opposed to raising taxes, and I trust that to include no changes to the tax cuts we passed in the last session and that took effect this past weekend.

I have been reading the papers like all of you and know there is pressure being put on the new governor and his administration to keep his campaign promises, which could mean spending a lot of the surplus. He has already allocated about \$80 million (of the surplus with another \$14 million set aside). I hope he has the courage to resist spending all of it.

Related to the budget, of course, is the school funding issue. Senator Ellingson and President Tester, we will look for your leadership on this issue, but we also have some ideas which we will pursue and we have the recommendations and recollection of the meeting dialogue of the School Renewal Commission, which some of us spent considerable time working on over the past year and a half in preparation for this winter.

I truly hope and believe that if we put our minds to it, we can and will resolve this issue during our regular 90-day session. This is our desire, so I want you to know you will have our full cooperation in finding the right solutions to this issue.

On behalf of the Minority, Republicans, I anxiously await the governor's State of the State address later this month. And, we are just as interested in meeting the many new people he has brought with him into his cabinet and administration and who await Senate confirmation. Perhaps, Senator Ellingson or President Tester, you will share with us today your plans for holding confirmation hearings on these individuals, and as soon as possible, provide us with their resumes and biographies. I am sure there are many folks, who are not members of this body, who have an interest in this process as well.

Finally, I would reiterate what I said earlier about COOPERATION. On behalf of the Minority, we plan to cooperate and to work to find the common ground for the common good. We must. That's what the people sent us here to do, but the voters who sent each of us here did not elect us to abandon our principles, and we won't.

This should be a great winter. It will certainly be different.

While it feels a bit different sitting in the Minority, I can tell you it feels good to be back among so many friends on both sides of the aisle.

I look forward to working with each of you and with our new governor.

Thank you."

Majority Leader Ellingson made the following remarks:

"Greetings; thank you

It has been over a decade since a majority leader from this party has had the opportunity to address the Montana Senate. Given that length of time some may wonder: What is it that motivates these Democrats? What are the principles which will guide them into formulating policy for the citizens of our state? A decent respect for the opinions of our citizens, as well as the opinions of those across the aisle, requires an answer.

First: We are motivated by a passionate love for our country, our state, and our American Revolution. The truth so eloquently expressed by Jefferson in our Declaration of Independence, that we are "All created equal" forms the basis of our conviction that government should favor no one at the expense of the other, and that our government should act to preserve the fundamental political equality of each citizen by guaranteeing equal

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opportunity for all. We believe that any benefits given to commerce must first be of benefit to our individual citizens, and that it is the proper role of government to imbue commerce with the moral values that we share. The unregulated pursuit of profit is, quite simply, unacceptable in a just and compassionate society.

Second: We are inspired by the teachings of Jesus and by the other great religions of the world. We accept that each of us is the keeper of our brother and our sister. And we know that when individual efforts fall short, that our government must act collectively for all of us to fulfill this mandate. And so we believe that:

- The children we love must have the best schooling possible to give them the skills that they need to lead successful lives; our respected elders, after giving so much to our generation, must be given the opportunity to live their later years in dignity-free from want and free from fear that their healthcare needs will not be met;
- The neediest of our citizens likewise command our attention. We believe it is immoral, in a society as wealthy as ours, not to provide help to those who, through no fault of their own, cannot provide for life's basic necessities;
- And, we believe that our Indian brothers and sisters, who are progressing so well in the face of vicious discrimination and misguided governmental policies are entitled to special consideration so that each is given a meaningful opportunity to share in the benefits of citizenship in this great state.

Third: We believe in the power of individual freedom and liberty. Our ability to express ourselves fully and choose our own spiritual path, without the interference of the state, is one of the great hallmarks of the American experience. But we view as a profound hypocrisy the notion that you can favor individual freedom while advocating restrictions, imposed by the government on the most intimate decisions that a person can make in his or her life: namely, the time and place to bear a child and the choice of a soul mate and person to love.

Members of the Senate and citizens of the State of Montana: These are the values which we cherish and which we hold in common with you. They will motivate us as we make a fresh start for the good people of this magnificent state. We will use our power to return this state to the service of all Montanans; to make our democracy, in the words of Lincoln, a government, "of the people, by the people and for the people;" and to provide hope and opportunity to every one of us."

Senator Esp moved that Senator Balyeat be placed on the Senate Taxation committee while Senator Gebhardt be moved to the Senate Business and Labor committee.

Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essman, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila.

Total 23

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Wheat, Chairman):

January 3, 2005

We, your Committee on Committees, recommend the following committee appointments:

AGRICULTURE, LIVESTOCK AND IRRIGATION

Hansen, Ken (D) - Ch
Bales, Keith (R)
Brueggeman, John (R)
Larson, Lane (D)
Pease, Gerald (D)
Smith, Frank (D)
Stapleton, Corey (R)
Steinbeisser, Donald (R)
Tester, Jon (D)

BUSINESS AND LABOR

Cocchiarella, Vicki (D) - Ch
Balyeat, Joe (R)
Grimes, Duane (R)
Lewis, Dave (R)
Roush, Glenn (D)
Smith, Frank (D)
Squires, Carolyn (D)
Steinbeisser, Donald (R)
Tash, Bill (R)
Tester, Jon (D)
Tropila, Joe (D)

COMMITTEES

On Call
Wheat, Michael (D) - Ch
Elliott, Jim (D)
Mangan, Jeff (D)

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Roush, Glenn (D)
Ryan, Don (D)
Toole, Ken (D)

EDUCATION AND CULTURAL RESOURCES

Ryan, Don (D) - Ch
Barkus, Gregory (R)
Black, Jerry (R)
Elliott, Jim (D)
Gillan, Kim (D)
Hawks, Bob (D)
Kitzenberg, Sam (R)
Laslovich, Jesse (D)
Mangan, Jeff (D)
McGee, Dan (R)
Story, Robert (R)

ENERGY AND TELECOMMUNICATIONS

Toole, Ken (D) - Ch
Cromley, Brent (D)
Curtiss, Aubyn (R)
Essmann, Jeff (R)
Harrington, Dan (D)
Lewis, Dave (R)
Lind, Greg (D)
McGee, Dan (R)
Perry, Gary (R)
Roush, Glenn (D)
Williams, Carol (D)

ETHICS

On Call

Ellingson, Jon (D) - Ch
Schmidt, Trudi (D)
Shockley, Jim (R)
Story, Robert (R)

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FINANCE AND CLAIMS

Cooney, Mike (D) - Ch
Bales, Keith (R)
Barkus, Gregory (R)
Brueggeman, John (R)
Cobb, John (R)
Esp, John (R)
Gallus, Steve (D)
Hansen, Ken (D)
Hawks, Bob (D)
Keenan, Bob (R)
Laible, Rick (R)
Larson, Lane (D)
Lind, Greg (D)
Ryan, Don (D)
Schmidt, Trudi (D)
Stapleton, Corey (R)
Tester, Jon (D)
Weinberg, Dan (D)
Williams, Carol (D)

FISH AND GAME

Tropila, Joe (D) - Ch
Bales, Keith (R)
Balyeat, Joe (R)
Barkus, Gregory (R)
Gallus, Steve (D)
Hansen, Ken (D)
Larson, Lane (D)
Ryan, Don (D)
Tash, Bill (R)

HIGHWAYS AND TRANSPORTATION

Pease, Gerald (D) - Ch
Black, Jerry (R)
Brueggeman, John (R)
Cocchiarella, Vicki (D)

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Kitzenberg, Sam (R)
Laslovich, Jesse (D)
Smith, Frank (D)
Steinbeisser, Donald (R)

JUDICIARY

Wheat, Michael (D) - Ch
Cromley, Brent (D)
Curtiss, Aubyn (R)
Ellingson, Jon (D)
Laslovich, Jesse (D)
Mangan, Jeff (D)
McGee, Dan (R)
Moss, Lynda (D)
O'Neil, Jerry (R)
Pease, Gerald (D)
Perry, Gary (R)
Shockley, Jim (R)

LEGISLATIVE ADMINISTRATION

On Call

Tropila, Joe (D) - Ch
Barkus, Gregory (R)
Cromley, Brent (D)
Grimes, Duane (R)
Roush, Glenn (D)

LOCAL GOVERNMENT

Mangan, Jeff (D) - Ch
Esp, John (R)
Gebhardt, Kelly (R)
Gillan, Kim (D)
Hawks, Bob (D)
Laible, Rick (R)
Moss, Lynda (D)
O'Neil, Jerry (R)

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Shockley, Jim (R)
Squires, Carolyn (D)
Wheat, Michael (D)

NATURAL RESOURCES

Roush, Glenn (D) - Ch
Curtiss, Aubyn (R)
Gebhardt, Kelly (R)
Harrington, Dan (D)
Lind, Greg (D)
Perry, Gary (R)
Tash, Bill (R)
Toole, Ken (D)
Wheat, Michael (D)

PUBLIC HEALTH, WELFARE AND SAFETY

Cromley, Brent (D) - Ch
Cobb, John (R)
Esp, John (R)
Grimes, Duane (R)
Moss, Lynda (D)
O'Neil, Jerry (R)
Schmidt, Trudi (D)
Weinberg, Dan (D)
Williams, Carol (D)

RULES

On Call

Ellingson, Jon (D) - Ch
Cocchiarella, Vicki (D)
Elliott, Jim (D)
Gallus, Steve (D)
Gebhardt, Kelly (R)
Gillan, Kim (D)
Grimes, Duane (R)
Harrington, Dan (D)

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Keenan, Bob (R)
Laslovich, Jesse (D)
McGee, Dan (R)
Stapleton, Corey (R)
Story, Robert (R)
Tester, Jon (D)

STATE ADMINISTRATION

Squires, Carolyn (D) - Ch
Balyeat, Joe (R)
Cocchiarella, Vicki (D)
Cooney, Mike (D)
Ellingson, Jon (D)
Essmann, Jeff (R)
Gallus, Steve (D)
Laible, Rick (R)
Lewis, Dave (R)
Shockley, Jim (R)
Tropila, Joe (D)

TAXATION

Elliott, Jim (D) - Ch
Black, Jerry (R)
Ellingson, Jon (D)
Essmann, Jeff (R)
Gebhardt, Kelly (R)
Gillan, Kim (D)
Harrington, Dan (D)
Kitzenberg, Sam (R)
Schmidt, Trudi (D)
Story, Robert (R)
Toole, Ken (D)

JOINT SUBCOMMITTEES

Corrections and Public Safety

Matthews, Gary (D) - Rep - Ch

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Bales, Keith (R) - Sen
Gallus, Steve (D) - Sen
Schmidt, Trudi (D) - Sen
Sesso, Jon (D) - Rep
Witt, John (R) - Rep

Education

Glaser, Bill (R) - Rep - Ch
Buzzas, Rosie (D) - Rep
Esp, John (R) - Sen
Jackson, Verdell (R) - Rep
Ryan, Don (D) - Sen
Williams, Carol (D) - Sen

General Government

Sinrud, John (R) - Rep - Ch
Cooney, Mike (D) - Sen
Franklin, Eve (D) - Rep
Juneau, Carol (D) - Rep
Laible, Rick (R) - Sen
Larson, Lane (D) - Sen
Stapleton, Corey (R) - Sen
Taylor, Janna (R) - Rep

Health and Human Services

Hawk, Ray (R) - Rep - Ch
Cobb, John (R) - Sen
Kaufmann, Christine (D) - Rep
Lind, Greg (D) - Sen
Morgan, Penny (R) - Rep
Weinberg, Dan (D) - Sen

Long-Range Planning

Wells, Jack (R) - Rep - Ch
Brueggeman, John (R) - Sen
Callahan, Tim (D) - Rep
Cooney, Mike (D) - Sen

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Jayne, Joey (D) - Rep
Keenan, Bob (R) - Sen
Tester, Jon (D) - Sen
Witt, John (R) - Rep

Natural Resources

Ripley, Rick (R) - Rep - Ch
Barkus, Gregory (R) - Sen
Hansen, Ken (D) - Sen
Hawks, Bob (D) - Sen
McNutt, Walt (R) - Rep
Musgrove, John (D) - Rep

SPECIAL ORDERS OF THE DAY

January 3, 2005

Montana State Senate
59th Legislature
State Capitol Building
Helena, MT 59620

Dear Senators:

I am transmitting to you my appointments for the offices of The Secretary of the Senate, Sergeant-at-Arms to the Senate, and Chaplain to the Senate, for your consideration and approval.

Secretary of the Senate – Bill Lombardi
Sergeant-at-Arms – Ted Dick
Chaplain to the Senate – Father Jerry Lowney

Sincerely,
Senator Jon Tester
President of the Senate

President Pro Tempore Harrington moved that President Tester's appointments of Bill Lombardi as Secretary of the Senate, Ted Dick as Sergeant-at-arms of the Senate and Father Jerry Lowney as Chaplain of the Senate for the 59th Legislature be confirmed. Motion carried unanimously.

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Secretary of the Senate Lombardi made the following Senate Staff introductions:

Andersen, Janeen	Secretary to the Senate, Secretary to
Bennett, Scott	Sergeant-at-Arms, Assistant, Security
Butler, Chuck	Aide, Minority
Crippen, Skip	Distributor, Bills & Asst Amend Coord
Daigle, Tempie	Aide, Committee
Ely, Kathleen	Secretary, Highways, Nat Res, Tax Committees
Fabiano, Kathy	Secretary to the Senate, Assistant
Forrester, Jeanne	Secretary, President
Gildroy, Prudence	Secretary, Finance Committee
Glover, Annie	Secretary, Energy Committee
Hamilton, Susie	Scanner
Harper, Janet	Clerk, Bills
Hayes, Vivian	Word Processor/Proofer
Holwick, Peg	Secretary, Ethics, Leg Admin, Rules Committees
Jennings, Matt	Clerk, Status
Johnson, Claudia	Secretary, State Admin Committee
Kirby, Jennifer	Secretary, Local Government Committee
Kitzenberg, Ronnie	Clerk, Supply
Lambert, Greg	Aide, Committee
Lang, Katie	Aide, Majority President
Lankford, Gwen	Aide, Majority Leadership
Lord, Clementine	Supervisor, Page
O' Connor, Lois	Secretary, Education Committee
Palmer, Agnes	Word Processor
Peck, Ray	Security
Petersen, Jamey	Clerk, Voting & Reading
Pirrone, Amelia	Aide, Committee
Pirrone, Rick	Security
Polletti, Elizabeth	Aide, Administrative
Prewett, Marigail	Secretary, Judiciary Committee
Radakovich, Carolyn	Clerk, Journal
Redeau-Ogle, Jane	Coordinator, Amendments
Rosling, Kima	Word Processing Supervisor
Sands, Diane	Secretary, Majority Leader
Siemers, Janice	Aide, Committee
Tenneson, Rita	Secretary, Public Health Committee
Tweeten, Andrew	Aide, Majority Whip
Wilcox, Chris	Aide, Minority
Wilson, Christie	Aide, Minority
Wong, Angela	Secretary, Ag, Bus & Labor, Fish & Game Committees

Majority Leader Ellingson moved that the President appoint a select committee to notify the Governor that the Senate is organized and ready for the transaction of business and that it is ready to receive his State of the State message in a joint session on Wednesday, January 19, 2005 at 6:30 p.m. Motion carried.

The President appointed Senator Williams, chairman, Senator Kitzenberg, and Senator Weinberg, who were discharged to notify the Governor.

Majority Leader Ellingson moved that the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for the transaction of business and to

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invite the Chief Justice and associate members of the Supreme Court to attend a joint session of the Senate and House of Representatives on Wednesday, January 19, 2005 at 6:30 p.m. to receive the State of the State address. Motion carried.

The President appointed Senator Pease, chairman, Senator Moss, and Senator Shockley, who were discharged to notify the Justices.

Majority Leader Ellingson moved that the President appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business and that the Senate wished them success in their deliberations. Motion carried.

The President appointed Senator Gillan, chairman, Senator Brueggeman, and Senator Smith, who were discharged to notify the House.

Majority Leader Ellingson moved that the Senate stand at ease subject to the call of the chair, to await the reports from select committees. Motion carried.

MESSAGES FROM THE OTHER HOUSE

A select committee from the House (Rep. Bixby, Chairman, Rep. Roberts, Rep. Lenhart, and Rep. Andersen) was escorted into the chambers and advised the Senate that the House was organized and ready for business and wished the Senate well.

REPORTS OF SELECT COMMITTEES

The committee appointed to notify the Governor that the Senate was organized and ready for business reported that the Governor had been notified.

The committee appointed to notify the Chief Justice and associate members of the Supreme Court that the Senate was organized and ready for business reported that the Supreme Court had been notified.

The committee appointed to notify the House of Representatives that the Senate was organized and ready for business reported that the House had been notified.

Messages were acknowledged and committees dismissed.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 1, introduced by Schmidt, referred to Highways and Transportation.

SB 2, introduced by Laible, referred to State Administration.

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- SB 3**, introduced by Hansen, referred to Judiciary.
- SB 4**, introduced by Hansen, referred to Judiciary.
- SB 5**, introduced by Hansen, referred to Business and Labor.
- SB 6**, introduced by Esp, referred to Public Health, Welfare and Safety.
- SB 7**, introduced by Esp, referred to Public Health, Welfare and Safety.
- SB 8**, introduced by Roush, referred to Business and Labor.
- SB 9**, introduced by Cromley, referred to Highways and Transportation.
- SB 10**, introduced by Laible, referred to Education and Cultural Resources.
- SB 11**, introduced by Laible, referred to Taxation.
- SB 12**, introduced by Mangan, referred to Business and Labor.
- SB 13**, introduced by Laible, referred to Education and Cultural Resources.
- SB 14**, introduced by Cooney, referred to State Administration.
- SB 15**, introduced by Mangan, referred to Taxation.
- SB 16**, introduced by Tropila, referred to State Administration.
- SB 17**, introduced by Cooney, referred to State Administration.
- SB 18**, introduced by Wheat, referred to Judiciary.
- SB 19**, introduced by Mangan, referred to Taxation.
- SB 20**, introduced by Roush, referred to Local Government.
- SB 21**, introduced by Grimes, referred to Judiciary.
- SB 22**, introduced by Laible, referred to Agriculture, Livestock and Irrigation.
- SB 23**, introduced by Gillan, referred to State Administration.
- SB 24**, introduced by Cromley, referred to Judiciary.
- SB 25**, introduced by Cocchiarella, referred to State Administration.
- SB 26**, introduced by Story, referred to Taxation.
- SB 27**, introduced by Laible, referred to Finance and Claims.
- SB 28**, introduced by Laible, referred to Finance and Claims.
- SB 29**, introduced by Schmidt, referred to Public Health, Welfare and Safety.
- SB 30**, introduced by Laslovich, referred to Judiciary.
- SB 31**, introduced by Story, referred to Taxation.
- SB 32**, introduced by Cromley, referred to Local Government.
- SB 33**, introduced by Cobb, referred to Public Health, Welfare and Safety.
- SB 34**, introduced by Cobb, referred to Energy and Telecommunications.
- SB 35**, introduced by Esp, referred to Judiciary.
- SB 36**, introduced by Esp, referred to Judiciary.
- SB 37**, introduced by Schmidt, referred to Judiciary.
- SB 38**, introduced by Schmidt, referred to Highways and Transportation.
- SB 39**, introduced by Mangan, referred to Highways and Transportation.

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- SB 40**, introduced by McGee, referred to Local Government.
- SB 41**, introduced by Keenan, referred to Finance and Claims.
- SB 42**, introduced by Keenan, referred to Public Health, Welfare and Safety.
- SB 43**, introduced by Cooney, referred to Judiciary.
- SB 44**, introduced by McGee, referred to Natural Resources.
- SB 45**, introduced by Harrington, referred to Highways and Transportation.
- SB 46**, introduced by O'Neil, referred to Public Health, Welfare and Safety.
- SB 47**, introduced by Laible, referred to Fish and Game.
- SB 48**, introduced by Harrington, referred to Taxation.
- SB 49**, introduced by McGee, referred to Judiciary.
- SB 50**, introduced by McGee, referred to Energy and Telecommunications.
- SB 51**, introduced by Hansen, referred to Agriculture, Livestock and Irrigation.
- SB 52**, introduced by Keenan, referred to Public Health, Welfare and Safety.
- SB 53**, introduced by Squires, referred to Business and Labor.
- SB 54**, introduced by Squires, referred to State Administration.
- SB 55**, introduced by Tash, referred to Fish and Game.
- SB 56**, introduced by McGee, referred to Highways and Transportation.
- SB 57**, introduced by Laible, referred to Education and Cultural Resources.
- SB 58**, introduced by Barkus, referred to Finance and Claims.
- SB 59**, introduced by Tropila, referred to Finance and Claims.
- SB 60**, introduced by Esp, referred to Public Health, Welfare and Safety.
- SB 61**, introduced by Cocchiarella, referred to Business and Labor.
- SB 62**, introduced by Perry, referred to Judiciary.
- SB 63**, introduced by Laible, referred to Fish and Game.
- SB 64**, introduced by Brueggeman, referred to Business and Labor.
- SB 65**, introduced by Brueggeman, referred to Highways and Transportation.
- SB 66**, introduced by Kitzenberg, referred to Taxation.
- SB 67**, introduced by Cromley, referred to Taxation.
- SB 68**, introduced by Joe Balyeat, referred to Taxation.
- SB 69**, introduced by Cobb, referred to State Administration.
- SB 70**, introduced by Cocchiarella, referred to Judiciary.
- SB 71**, introduced by Cobb, referred to Public Health, Welfare and Safety.
- SB 72**, introduced by Mangan, referred to State Administration.
- SB 73**, introduced by Mangan, referred to State Administration.
- SB 74**, introduced by Story, referred to Taxation.
- SB 75**, introduced by Harrington, referred to Taxation.
- SB 76**, introduced by Laslovich, referred to Fish and Game.

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- SB 77**, introduced by Hansen, referred to Fish and Game.
- SB 78**, introduced by Harrington, referred to Business and Labor.
- SB 79**, introduced by Tropila, referred to Highways and Transportation.
- SB 80**, introduced by Perry, referred to Judiciary.
- SB 81**, introduced by Stapleton, referred to State Administration.
- SB 82**, introduced by Cobb, referred to Public Health, Welfare and Safety.
- SB 83**, introduced by Roush, referred to Energy and Telecommunications.
- SB 84**, introduced by Squires, referred to Judiciary.
- SB 85**, introduced by Squires, referred to Taxation.
- SB 86**, introduced by Smith, referred to Public Health, Welfare and Safety.
- SB 87**, introduced by Elliott, referred to Taxation.
- SB 88**, introduced by Squires, referred to State Administration.
- SB 89**, introduced by Laible, referred to State Administration.
- SB 90**, introduced by Smith, referred to Highways and Transportation.
- SB 91**, introduced by Smith, referred to Fish and Game.
- SB 92**, introduced by Toole, referred to Taxation.
- SB 93**, introduced by Cobb, referred to Finance and Claims.
- SB 94**, introduced by Cromley, referred to Public Health, Welfare and Safety.
- SB 95**, introduced by Roush, referred to Natural Resources.
- SB 96**, introduced by Gebhardt, referred to Natural Resources.
- SB 97**, introduced by Barkus, referred to Natural Resources.
- SB 98**, introduced by Tropila, referred to Natural Resources.
- SB 99**, introduced by Mangan, referred to Business and Labor.
- SB 100**, introduced by Mangan, referred to Business and Labor.
- SB 101**, introduced by Schmidt, referred to Public Health, Welfare and Safety.
- SB 102**, introduced by Cromley, referred to Highways and Transportation.
- SB 103**, introduced by Cromley, referred to Judiciary.
- SB 104**, introduced by Gillan, referred to Judiciary.
- SB 105**, introduced by Cobb, referred to Public Health, Welfare and Safety.
- SB 106**, introduced by Brueggeman, referred to State Administration.
- SB 107**, introduced by Smith, referred to Agriculture, Livestock and Irrigation.
- SB 108**, introduced by Lewis, referred to Business and Labor.
- SB 109**, introduced by Cobb, referred to State Administration.
- SB 110**, introduced by Cobb, referred to Public Health, Welfare and Safety.
- SB 111**, introduced by Keenan, referred to Judiciary.
- SB 112**, introduced by Harrington, referred to Public Health, Welfare and Safety.
- SB 113**, introduced by Harrington, referred to Public Health, Welfare and Safety.

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- SB 114**, introduced by Tester, referred to Business and Labor.
- SB 115**, introduced by Tester, referred to Taxation.
- SB 116**, introduced by Laible, referred to Local Government.
- SB 117**, introduced by Cocchiarella, referred to Business and Labor.
- SB 118**, introduced by Wheat, referred to State Administration.
- SB 119**, introduced by Schmidt, referred to Public Health, Welfare and Safety.
- SB 120**, introduced by Keenan, referred to Finance and Claims.
- SB 121**, introduced by Keenan, referred to Public Health, Welfare and Safety.
- SB 122**, introduced by Wheat, referred to Judiciary.
- SB 123**, introduced by Black, referred to Highways and Transportation.
- SB 124**, introduced by Roush, referred to Natural Resources.
- SB 125**, introduced by Hansen, referred to Natural Resources.
- SB 126**, introduced by Brueggeman, referred to Fish and Game.
- SB 127**, introduced by Keenan, referred to Public Health, Welfare and Safety.
- SB 128**, introduced by Cromley, referred to Judiciary.
- SB 129**, introduced by Wheat, referred to Local Government.
- SB 130**, introduced by Ryan, referred to Business and Labor.
- SB 131**, introduced by Black, referred to Energy and Telecommunications.
- SB 132**, introduced by Cooney, referred to Business and Labor.
- SB 133**, introduced by Mangan, referred to Taxation.
- SB 134**, introduced by Wheat, referred to Business and Labor.
- SB 135**, introduced by Squires, referred to Business and Labor.
- SB 136**, introduced by Steinbeisser, referred to Agriculture, Livestock and Irrigation.
- SB 137**, introduced by Lewis, referred to Public Health, Welfare and Safety.
- SB 138**, introduced by Weinberg, referred to Natural Resources.
- SB 139**, introduced by Esp, referred to Judiciary.
- SB 140**, introduced by Gebhardt, referred to Local Government.
- SB 141**, introduced by Laible, referred to Judiciary.
- SB 142**, introduced by Tash, referred to Natural Resources.
- SB 143**, introduced by Laible, referred to Energy and Telecommunications.
- SB 144**, introduced by Black, referred to Highways and Transportation.
- SB 145**, introduced by Harrington, referred to Energy and Telecommunications.
- SB 146**, introduced by McGee, referred to Judiciary.
- SB 147**, introduced by Ryan, referred to Education and Cultural Resources.
- SB 148**, introduced by McGee, referred to State Administration.
- SB 149**, introduced by Laslovich, referred to Judiciary.
- SB 150**, introduced by Keenan, referred to Public Health, Welfare and Safety.

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SB 151, introduced by Weinberg, referred to Taxation.

SB 152, introduced by Ryan, referred to Education and Cultural Resources.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 2, introduced by Barkus, referred to Education and Cultural Resources.

SJR 3, introduced by Mangan, referred to Business and Labor.

SJR 4, introduced by Cobb, referred to Judiciary.

SJR 5, introduced by Schmidt, referred to Judiciary.

SJR 6, introduced by Wheat, referred to Judiciary.

SPECIAL ORDERS OF THE DAY

Sergeant-at-arms Dick escorted the Big Sandy Choir, under the direction of Susan Walker, into the Senate chambers. After performing two numbers, the choir then led Senators and present staff in singing the Montana State song. The Big Sandy Choir was then thanked by President Tester and escorted out.

Senator Ellingson introduced new Democratic members of the Senate: Weinberg, Smith, Larson, Gillan, Moss, Hawks, Gallus, Laslovich, Williams, and Lind. The new Senators introduced their families and guests.

Senator Keenan introduced new Republican members of the Senate: Essmann, Lewis, Brueggeman, Balyeat, Shockley, and Steinbeisser. The new Senators introduced their families and guests.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Tuesday, January 4, 2005. Motion carried.

Senate adjourned at 2:45 p.m.

BILL LOMBARDI

Secretary of Senate

JON TESTER

President of the Senate